

H.C.R. 193 - (Brooks): Welcoming Her Majesty Queen Elizabeth II to the State of Texas on the occasion of her visit to the United States.

S.C.R. 116 - By Dickson: Designating May 1, 1991, as Law Day in the State of Texas.

S.R. 612 - By Green: Extending congratulations to Tony Eugene Gregg of Huffman for achieving the rank of Eagle Scout.

S.R. 613 - By Turner: Recognizing the week of April 21 through 28, 1991, as National Science and Technology Week.

S.R. 614 - By Turner: Extending congratulations to Mr. and Mrs. Gilbert Eckermann of Bellville on the occasion of their 50th wedding anniversary.

S.R. 615 - By Turner: Extending congratulations to Mr. and Mrs. Olen Tucker of Georgetown on the occasion of their 50th wedding anniversary.

S.R. 616 - By Turner: Extending congratulations to Mr. and Mrs. John W. Stroud of Cameron on the occasion of their 50th wedding anniversary.

S.R. 617 - By Turner: Recognizing Eddie B. Rigsby of Huntsville on the occasion of her 93rd birthday.

S.R. 618 - By Turner: Extending congratulations to Mrs. Rosa Doss of Rockdale on the occasion of her 96th birthday.

S.R. 620 - By Sims: Paying tribute to Delfina Anderson, who is retiring from the Presidio Independent School District after many years of distinguished service.

S.R. 623 - By Dickson: Paying tribute to Mondel Rogers of Sweetwater for being chosen as the Texas State Artist.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:41 p.m. adjourned until 11:00 a.m. tomorrow.

FIFTY-FIFTH DAY (Tuesday, April 30, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Father Albert Palermo, St. Albert the Great Catholic Church, Austin, offered the invocation as follows:

Father all powerful and ever-living God, we do well always and everywhere to give You thanks. All things are of Your making, all times and seasons obey Your laws. But You chose to create man in Your own image, setting him over the whole world and all its wonder. You made man the steward of creation, to praise You day

by day for the marvels of Your wisdom and power. We thank You, Lord, for our nation, the United States of America, especially for its wisdom of proclaiming that all men are created equal. Help us to make that concept a reality in our laws and in our daily lives. Guide the Senators of this assembly in their deliberations so that the bills they vote on will promote all the great ideals found in our Declaration of Independence and the Constitution of the United States with its Bill of Rights. Help us to bring forth laws that bring justice to all, for without justice we cannot have peace, we cannot have equality, we cannot have all the great ideals that our founding fathers wished for us. Abraham Lincoln reiterated these ideals in his Gettysburg Address when he said, "A government of the people, by the people and for the people shall not perish from the earth." Help us to promote these ideals and live by them. We ask You to constantly remind us that governments must be for the people. They have been established to serve the people. Help us to make our laws do this—serve the people so that they can have life, liberty and the pursuit of happiness. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE RESOLUTION 550

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Moncrief will be shown as Co-author of S.R. 550.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 278, Relating to the authority and operation of certain business organizations which provide for limited liability.

H.B. 302, Relating to eliminating the promiscuity defense for a person who sexually assaults a child.

H.B. 897, Relating to evaluation of certain programs for the prevention or treatment of child abuse or neglect.

S.B. 811, Relating to the duration of certain temporary guardianships.

S.C.R. 107, Commending Father Charles Banks for his dedication to the spiritual needs of his parishioners.

S.B. 195, Relating to the establishment of the comprehensive rehabilitation fund and the imposition of a fee on certain traffic convictions. (As amended)

H.C.R. 206, Commending the Starlettes of Spring High School on their performance in winning the national championship at the American Drill Team School National competition.

H.C.R. 218, Resolving that the House of Representatives and Senate meet in Joint Session in the Hall of the House of Representatives at 2 p.m., Monday, May 20, 1991, in honor of Her Majesty Queen Elizabeth II.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RULE 3.01 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 3.01 as it relates to proper attire on the Senate floor, was suspended to allow floor privileges to The Spirit of Texas cowboy band members as guests of the Senate.

GUESTS PRESENTED

Senator Truan was recognized and introduced a group of honor students from five Corpus Christi High Schools who are participants of the Laureate Program and their sponsor, Susan Utter.

The Senate welcomed these guests.

GUEST PRESENTED

Senator Parker was recognized and introduced Sven O. Santen, Managing Director, ScanArc Plasma Technologies A/B of Hofors, Sweden.

The Senate welcomed Mr. Santen.

REPORTS OF STANDING COMMITTEES

Senator Sims submitted the following report for the Committee on Natural Resources:

C.S.S.B. 1053

C.S.S.B. 1054

Senator Lyon submitted the following report for the Committee on Criminal Justice:

S.B. 1085

H.B. 46

H.B. 290

H.B. 407

S.B. 893

H.B. 960 (Amended)

C.S.S.B. 199

C.S.S.B. 864

GUESTS PRESENTED

Senator Harris of Tarrant was recognized and introduced Jim Hayes, the University of Texas at Arlington Coach of the Movin' Mavs, who recently won their first national title in any sport by winning the wheelchair basketball game in the National Collegiate Athletic Association Tournament.

The Senate expressed congratulations to Coach Hayes and the Movin' Mavs.

An enrolled copy of S.R. 550, previously adopted by the Senate on Thursday, April 18, 1991, was prepared for the occasion.

GUESTS PRESENTED

Senator Dickson was recognized and introduced students from Sonora Junior High School.

The Senate welcomed these guests.

SENATE CONCURRENT RESOLUTION 117

Senator Parker offered the following resolution:

WHEREAS, The Legislature of the State of Texas is proud to commemorate the month of October, 1991, as "Cowboy Music Month" and pay tribute to The Spirit of Texas cowboy band and Russell D. "Red" Steagall for their dedicated efforts in preserving the music of the cowboy; and

WHEREAS, In the late 1800s, the word "cowboy" was first used by a newspaper reporter to describe the Texas trail hands who drove the great herds of cattle from Texas to the railheads in Kansas; thereafter, the Texas ranch hands were called "cowboys"; and

WHEREAS, While driving the herds north from Texas, the cowboys who guarded the herd at night would sing softly to entertain themselves as they made their rounds and to calm the restless longhorns; and

WHEREAS, Originally, they sang native folk songs and hymns and nameless tunes with no words which were called "Texas Lullabies"; throughout the years, cowboys began to make up their own words and melodies, with the words of the song telling the story of their lives; and

WHEREAS, From this colorful background, cowboy music was born, originated by Texas cowboys; eventually, their songs "The Old Chisholm Trail" and "Little Joe Wrangler" were being sung around campfires and round-up wagons all over the West; and

WHEREAS, In our haste to stay in step with the technological age, the music of the cowboy has almost been lost; and

WHEREAS, In the town of Bandera, Texas, the "Cowboy Capital of the World," located on the Old Western Cattle Trail, a cowboy band known as The Spirit of Texas plays the music the night herders once sang; and

WHEREAS, Red Steagall's dedication to excellence, entertainment, and the preservation of the original western music is evident in the widespread acclaim he has received over the years; and

WHEREAS, The Texas native is a firm believer in the old cowboy way of life; he lives on his ranch outside Fort Worth where he composes music and lyrics when he and his band, "Red Steagall and the Coleman County Cowboys," are not playing to their ardent fans; he has had over 200 of his compositions recorded both by himself and other artists; and

WHEREAS, Best known for his wonderful Texas Swing dance music and such songs as "Here We Go Again," "Party Dolls and Wine," "Freckles Brown," and "Lone Star Beer and Bob Wills Music," Red is beloved by Texas cowboys for the quiet times they have spent with him around chuck wagon campfires; and

WHEREAS, Known as the "King of Texas Swing," Red has been invited to bring his country and western swing music to Europe, the Middle East, and Canada, as well as all parts of the United States; he has performed for heads of state including a special party for President Reagan at the White House in 1983; and

WHEREAS, Red frequently writes poetry and is known for his collection of recorded cowboy poems, "Ride for the Brand"; he is an annual participant at the Cowboy Poetry Gathering in Alpine, Texas; and

WHEREAS, For the past six years, he has been a participant at the Cowboy Poetry Gathering in Elko, Nevada, and, on October 25, 26, and 27 of this year Red

will host the Red Steagall Cowboy Poetry Gathering at the Fort Worth Stockyards; and

WHEREAS, It is indeed fitting that these fine Texas musicians, Rudy Robbins, Ray Tate, Roger Heinen, and Cal Berry, and Russell D. "Red" Steagall be commended for keeping alive the music of the cowboy, a significant part of the culture and heritage of Texas and one of the many contributions that our state has made to the world; now, therefore, be it

RESOLVED, That the 72nd Legislature of the State of Texas hereby designate the month of October, 1991, as "Cowboy Music Month" and honor The Spirit of Texas cowboy band and Russell D. "Red" Steagall for safekeeping this valuable part of our Texas legacy; and, be it further

RESOLVED, That the legislature hereby designate Red Steagall as the "Cowboy Poet of Texas" as a tribute to his exceptional abilities and to his influence in protecting his incomparable art form; and, be it further

RESOLVED, That a copy of this resolution be prepared for these distinguished gentlemen as an expression of high regard and appreciation from the Texas Legislature.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Parker introduced Russell D. "Red" Steagall and The Spirit of Texas cowboy band.

The Senate welcomed these guests.

An enrolled copy of the resolution was presented to the group by the President.

(Senator Montford in Chair)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced the following guests from the Texas Association for Health, Physical Education, Recreation and Dance who are here in honor of the month of May being proclaimed as "Texas Physical Education and Sport Month" and the week of May 1 through May 7 as "Texas Physical Education and Sport Week":

Janice Longino, Richardson Independent School District; Thomas Hubble, Spring Branch Independent School District; Nancy Conkle, Austin Independent School District; Susan Hudson, University of North Texas; Rebecca Davila, Lewisville Independent School District; and Irma Lewis, President of Texas Association for Health, Physical Education, Recreation and Dance.

The Senate welcomed these guests.

An enrolled copy of S.R. 545, previously adopted by the Senate on Wednesday, April 17, 1991, was presented to the guests.

(Senator Carriker in Chair)

SENATE BILL 716 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 716, Relating to the inspection of certain law enforcement records and files of a child.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 716 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 716 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Dickson was recognized and introduced students from Killeen High School and their sponsor John Chapman.

The Senate welcomed these guests.

(President in Chair)

SENATE BILL 774 ON SECOND READING

Senator Glasgow asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 774, Relating to the practice of optometry.

There was objection.

Senator Glasgow then moved to suspend the regular order of business and take up S.B. 774 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Krier, Leedom, Lyon, Montford, Parker, Ratliff, Rosson, Sims, Truan, Turner, Whitmire.

Nays: Brown, Harris of Dallas, Henderson, Lucio, Moncrief, Sibley, Tejeda, Zaffirini.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 774 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 1.02, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-1.02, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), (3), (5), and (6) and adding Subdivisions (7) and (8) to read as follows:

(1) The "practice of optometry" is defined to be the employment of objective or subjective means, with or without the use of topical ocular pharmaceutical agents [drugs], for the purpose of ascertaining and measuring the powers of vision of the human eye, examining and diagnosing visual defects, abnormal conditions, and diseases of the human eye and adnexa, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical

treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state. Nothing herein shall be construed to prevent selling ready-to-wear spectacles or eyeglasses as merchandise at retail, nor to prevent simple repair jobs.

(2) "Ascertaining and measuring the powers of vision of the human eye" shall be construed to include:

(A) The examination of the eye to ascertain the presence of defects or abnormal conditions which may be corrected, remedied, or relieved, or the effects of which may be corrected, remedied or relieved by the use of lenses or prisms, or

(B) The employment of any objective or subjective means to determine the accommodative or refractive condition or the range or powers of vision of muscular equilibrium of the human eye, or

(C) The employment of any objective or subjective means for the examination of the human vision system [eye] for the purpose of ascertaining any departure from the normal, measuring its power of vision or adapting lenses or prisms for the aid or relief thereof, and it shall be construed as a violation of this Act, for any person not a licensed optometrist, therapeutic optometrist, or [a-licensed] physician to do any one act or thing, or any combination of acts or things, named or described in this subdivision; provided, that nothing herein shall be construed to permit optometrists to treat the eye for any defect whatsoever in any manner, nor to administer any drug or physical treatment whatsoever, unless said optometrist is a therapeutic optometrist or a duly licensed physician and surgeon, under the laws of this state.

(3) "Fitting lenses or prisms" shall be construed to include:

(A) Prescribing or supplying, directly or indirectly, lenses or prisms, by the employment of objective or subjective means or the making of any measurements whatsoever involving the eyes or the optical requirements thereof; provided, however, that nothing in this Act shall be construed so as to prevent an ophthalmic dispenser, who does not practice optometry or therapeutic optometry, from measuring interpupillary distances or from making facial measurements for the purpose of dispensing, or adapting ophthalmic prescriptions or lenses, products and accessories in accordance with the specific directions of a written prescription signed by a licensed physician, [or] optometrist, or therapeutic optometrist; provided, however, the fitting of contact lenses shall be done only by a licensed physician, [or-licensed] optometrist, or therapeutic optometrist as defined by the laws of this state, but the lenses may be dispensed by an ophthalmic dispenser on a fully written contact lens prescription issued by a licensed physician, [or] optometrist, or therapeutic optometrist, in which case the ophthalmic dispenser may fabricate or order the contact lenses and dispense them to the patient with appropriate instructions for the care and handling of the lenses, and may make mechanical adjustment of the lenses, but shall make no measurements of the eye or the cornea or evaluate the physical fit of the lenses, by any means whatsoever; provided that the physician, [or] optometrist, or therapeutic optometrist who writes or issues the prescription shall remain professionally responsible to the patient.

(B) The adaptation or supplying of lenses or prisms to correct, relieve or remedy any defect or abnormal condition of the human eye or to correct, relieve or remedy or attempt to correct, relieve or remedy the effect of any defect or abnormal condition of the human eye.

(C) It shall be construed as a violation of this Act for any person not a licensed optometrist, therapeutic optometrist, or [a-licensed] physician to do any one thing or act, or any combination of things or acts, named or described in this Article.

(5) For the purposes of this Act, "dispensing optician" or "ophthalmic dispenser" means a person not licensed as an optometrist, therapeutic optometrist,

or physician who sells or delivers to the consumer fabricated and finished spectacle lenses, frames, contact lenses, or other ophthalmic devices prescribed by an optometrist, therapeutic optometrist, or physician.

(6) Nothing in this Act shall be construed as preventing a licensed optometrist or therapeutic optometrist from performing vision therapy, hand-eye coordination exercises, visual training, and developmental vision therapy, or from the evaluation and remediation of learning or behavioral disabilities associated with or caused by a defective or abnormal condition of vision.

(7) The "practice of therapeutic optometry" means the employment of objective or subjective means for the purpose of ascertaining and measuring the powers of vision of the human eye, examining and diagnosing visual defects, abnormal conditions, and diseases of the human eye and adnexa, fitting lenses or prisms to correct or remedy a defect or abnormal condition of vision, administering or prescribing a drug or physical treatment in the manner authorized by this Act, and treating the eye and adnexa as authorized by this Act without the use of surgery or laser surgery.

(8) "Adnexa" means the lids and drainage system of the eye.

SECTION 2. Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-1.01 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 1.03 to read as follows:

Sec. 1.03. THERAPEUTIC OPTOMETRISTS. (a) A person may not engage in the practice of therapeutic optometry without holding a license issued by the Texas Optometry Board.

(b) A therapeutic optometrist may administer and prescribe topical ocular pharmaceutical agents, ophthalmic devices, over-the-counter oral medications, and oral antibiotic, anti-viral and analgesic agents for the purpose of diagnosing and treating visual defects, abnormal conditions, and diseases of the human eye and adnexa, and may remove superficial foreign matter and eyelashes from the external eye or adnexa. The foregoing notwithstanding, a therapeutic optometrist may not administer or prescribe Schedule I or Schedule II controlled substances as listed in Section 481.032, Health and Safety Code, and in Section 481.033, Health and Safety Code. Prior to initiating treatment of glaucoma for a particular patient, a therapeutic optometrist shall refer the patient to an ophthalmologist for determination of the most appropriate course of treatment for that patient. The therapeutic optometrist may provide follow-up care to the patient; however, before altering the course of treatment approved by the ophthalmologist, the therapeutic optometrist shall consult with the ophthalmologist regarding any recommended change in the treatment regimen. When a therapeutic optometrist utilizes topical steroids to treat a condition, if the condition has not been resolved within 14 days of the initial topical steroid application, the therapeutic optometrist shall consult with an ophthalmologist regarding the appropriate next course of treatment.

(c) A therapeutic optometrist must satisfactorily complete the educational requirements established by board rule to be certified as a therapeutic optometrist. These educational requirements must be provided by an entity approved by the board and must include an emphasis on the examination, diagnosis, and treatment of conditions of the human eye and adnexa. The board by rule shall require successful completion of accredited academic and clinical courses in pharmacology and related pathology that are approved by the board and that are determined by the board to be equivalent in the total number of classroom hours to the requirements for other health care professionals in this state who may be licensed to use pharmaceutical agents, including dentists, podiatrists, and physicians.

(d) The board shall adopt rules setting forth the specific pharmaceutical agents therapeutic optometrists may use in the practice of therapeutic optometry. Use by

a therapeutic optometrist of pharmaceutical agents not authorized by the board or otherwise authorized by law shall constitute a violation of this act.

SECTION 3. Section 2.02(a), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-2.02, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Six members must be licensed optometrists or therapeutic optometrists who have been residents of this state actually engaged in the practice of optometry or therapeutic optometry in this state for the period of five years immediately preceding their appointment. Three of the six optometrist or therapeutic optometrist members must be affiliated with the Texas Optometric Association, Inc., and the other three optometrist or therapeutic optometrist members must be affiliated with the Texas Association of Optometrists, Inc. A board member may not simultaneously be a member of both the Texas Optometric Association, Inc., and the Texas Association of Optometrists, Inc.

SECTION 4. Section 2.06(e), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-2.06, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) Within a reasonable time after the completion of an examination of each patient, the examining optometrist or therapeutic optometrist shall present to the patient a prescription, a bill, or a receipt containing the license number and name of the optometrist or therapeutic optometrist performing the examination. Individual professional liability of the examining optometrist or therapeutic optometrist is not affected by this subsection.

SECTION 5. Section 3.01, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-3.01, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.01. MUST PASS EXAMINATION. Every person hereafter desiring to be licensed to practice therapeutic optometry in this state shall be required to pass the examination given by the Texas Optometry Board. However, the board may adopt substantive rules to authorize the waiver of this or other license requirements for an applicant with a valid license from another state having, at the time of the applicant's initial licensure in that state, license requirements and continuing education requirements substantially equivalent to those currently required in this state. The examination must include examination in pharmacology and related pathology.

SECTION 6. Section 3.07, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-3.07, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.07. THOSE PASSING ENTITLED TO LICENSE. Every candidate successfully passing the examination and meeting all requirements of the board shall be registered by the board as possessing the qualifications required by this law and shall receive from this board a license to practice therapeutic optometry in the state.

SECTION 7. Sections 4.01(a) and (d), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-4.01, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) On or before January 1 of each year, every licensed optometrist and therapeutic optometrist in this state shall pay to the secretary-treasurer of the board an annual renewal fee for the renewal of his license to practice optometry or therapeutic optometry for the current year. The amount of the fee shall be as determined by the board. A person may renew an unexpired license by paying to the board before the expiration date of the license the required renewal fee. If a person's license has been expired for not more than 180 days, the person may renew the license by paying to the board the required renewal fee and a fee that is one-half

of the examination fee for the license. If a person's license has been expired for more than 180 days but less than three years, the person may renew the license by paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the license. If a person's license has been expired for three years or more, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

(d) Practicing optometry or therapeutic optometry without an annual renewal certificate for the current year as provided herein, shall have the same force and effect and be subject to all penalties of practicing optometry or therapeutic optometry without a license.

SECTION 8. Sections 4.01B(a), (c), and (e), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-4.01B, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Each optometrist and therapeutic optometrist licensed in this state shall take annual courses of study in subjects relating to the utilization and application of scientific, technical, and clinical advances in vision care, vision therapy, visual training, and other subjects relating to the practice of optometry or therapeutic optometry regularly taught by recognized optometric universities and schools.

(c) The continuing education requirements established by this section shall be fulfilled by attendance in continuing education courses sponsored by an accredited college of optometry or in a course approved by the board. Attendance at a course of study shall be certified to the board on a form provided by the board and shall be submitted by each licensed optometrist and therapeutic optometrist in conjunction with his application for renewal of his license and submission of renewal fee.

(e) Licensees who have not complied with the requirement of this section may not be issued a renewal license, except for the following persons who are exempt:

(1) a person who holds a Texas license but who does not practice optometry or therapeutic optometry in Texas;

(2) a licensee who served in the regular armed forces of the United States during part of the 12 months immediately preceding the annual license renewal date;

(3) a licensee who submits proof that he suffered a serious or disabling illness or physical disability which prevented him from complying with the requirements of this section during the 12 months immediately preceding the annual license renewal date; or

(4) a licensee first licensed within the 12 months immediately preceding the annual renewal date.

SECTION 9. Section 4.02, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-4.02, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4.02. RENEWAL AFTER DISCHARGE FROM MILITARY. Any licensed optometrist or therapeutic optometrist whose renewal certificate has expired while he has been engaged in active duty with any United States military service or with the United States Public Health Service, engaged in full-time federal service, or engaged in training or education under the supervision of the United States, preliminary to induction into the military service, may have his renewal certificate reinstated without paying any lapsed renewal fee or registration fee, or without passing an examination, if within one year after termination of said service, training or education, other than by dishonorable discharge, he furnishes the board with affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

SECTION 10. Sections 4.04(a), (d), and (e), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-4.04, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) By five or more votes, the board may refuse to issue a license to an applicant, revoke or suspend a license, probate a license suspension, or reprimand a licensee if it finds that:

(1) the applicant or licensee is guilty of any fraud, deceit, dishonesty, or misrepresentation in the practice of optometry or therapeutic optometry or in his seeking admission to such practice;

(2) the applicant or licensee is unfit or incompetent by reason of negligence;

(3) the applicant or licensee has been convicted of a felony or a misdemeanor which involves moral turpitude;

(4) the applicant or licensee is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having similar effect or has become insane or has been adjudged by a court of competent jurisdiction to be of unsound mind;

(5) the licensee has directly or indirectly employed, hired, procured, or induced a person, not licensed to practice optometry or therapeutic optometry in this state, to so practice;

(6) the licensee directly or indirectly aids or abets in the practice of optometry or therapeutic optometry any person not duly licensed to practice under this Act;

(7) the licensee lends, leases, rents or in any other manner places his license at the disposal or in the service of any person not licensed to practice optometry or therapeutic optometry in this state;

(8) the applicant or licensee has willfully or repeatedly violated any of the provisions of this Act;

(9) the licensee has willfully or repeatedly represented to the public or any member thereof that he is authorized or competent to cure or treat diseases of the eye; or

(10) the licensee has his right to practice optometry or therapeutic optometry suspended or revoked by any federal agency for a cause which in the opinion of the board warrants such action.

(d) Upon application, the board may reissue a license to practice optometry or therapeutic optometry to a person whose license has been revoked but such application shall not be made prior to one year after the revocation and shall be made in such manner and form as the board may require.

(e) Nothing in this Act shall be construed to prevent the administrator or executor of the estate of a deceased optometrist or therapeutic optometrist from employing a licensed optometrist or therapeutic optometrist to carry on the practice of such deceased during the administration of such estate nor to prevent a licensed optometrist or therapeutic optometrist from working for such person during the administration of the estate when the legal representative thereof has been authorized by the county judge to continue the operation of such practice.

SECTION 11. Section 5.01, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.01, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.01. DISPLAY OF LICENSE. Every person practicing optometry or therapeutic optometry in this state shall display his license or certificate in a conspicuous place in the principal office where he practices optometry or therapeutic optometry and whenever required, exhibit such license or certificate to said board, or its authorized representative, and whenever practicing said profession of optometry or therapeutic optometry outside of, or away from said office or place

of business, he shall deliver to each person fitted with glasses a bill, which shall contain his signature, post-office address, and number of his license or certificate, together with a specification of the lenses and material furnished and the prices charged for the same respectively.

SECTION 12. Section 5.02, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.02, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.02. RECORDATION OF LICENSE. It shall be unlawful for any person to practice optometry or therapeutic optometry within the limits of this state who has not registered and recorded his license in the office of the county clerk of the county in which he resides, and in each county in which he practices, together with his age, post-office address, place of birth, subscribed and verified by his oath. The fact of such oath and record shall be endorsed by the county clerk upon the license. The absence of record of such license in the office of the county clerk shall be prima facie evidence of the lack of the possession of such license to practice optometry or therapeutic optometry.

SECTION 13. Section 5.03, Chapter 4.01, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.03, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.03. OPTOMETRY REGISTER. Each county clerk in this state shall purchase a book of suitable size, to be known as the "Optometry Register" of such county, and set apart at least one full page for the registration of each optometrist and therapeutic optometrist, and record in said optometry register the name and record of each optometrist and therapeutic optometrist who presents for record a license or certificate issued by the state board. When an optometrist or therapeutic optometrist shall have his license revoked, suspended, or cancelled, said county clerk, upon being notified by the board, shall make a note of the fact beneath the record in the optometry register, which entry shall close the record and be prima facie evidence of the fact that the license has been so cancelled, suspended or revoked. The county clerk of each county shall, upon the request of the secretary of the board, certify to the board a correct list of the optometrists and therapeutic optometrists then registered in the county, together with such other information as the board may require.

SECTION 14. Section 5.04, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.04, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.04. PRACTICE WITHOUT LICENSE; FRAUD; HOUSE-TO-HOUSE. It shall be unlawful for any person to:

(1) falsely impersonate any person duly licensed as an optometrist or therapeutic optometrist under the provisions of this Act or to falsely assume another name;

(2) buy, sell, or fraudulently obtain any optometry diploma, optometry or therapeutic optometry license, record of registration or aid or abet therein;

(3) practice, offer, or hold himself out as authorized to practice optometry or therapeutic optometry or use in connection with his name any designation tending to imply that he is a practitioner of optometry or therapeutic optometry if not licensed to practice under the provisions of this Act;

(4) practice optometry or therapeutic optometry during the time his license shall be suspended or revoked;

(5) practice optometry or therapeutic optometry from house-to-house or on the streets or highways, notwithstanding any laws for the licensing of peddlers. This shall not be construed as prohibiting an optometrist, therapeutic optometrist, or physician from attending, prescribing for and furnishing spectacles, eyeglasses or

ophthalmic lenses to a person who is confined to his abode by reason of illness or physical or mental infirmity, or in response to an unsolicited request or call, for such professional services.

SECTION 15. Section 5.05, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.05, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.05. UNAUTHORIZED TREATMENT. It is a violation of this Act for an optometrist or therapeutic optometrist to provide treatment to a person except as authorized by this Act or otherwise by law. An optometrist or therapeutic optometrist who provides treatment in violation of this section shall be considered to be practicing medicine without a license and, in addition to the prescribed penalties for a violation of this Act, ~~[TREATING DISEASED EYES—Anyone practicing optometry who shall prescribe for or fit lenses for any diseased condition of the eye, or for the disease of any other organ of the body that manifests itself in the eye, shall be deemed to be practicing medicine within the meaning of that term as defined by law. Any such person possessing no license to practice medicine who shall so prescribe or fit lenses]~~ shall be punished in the same manner as is prescribed for the practice of medicine without a license.

SECTION 16. Section 5.07, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.07, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.07. PRESCRIBING WITHOUT EXAMINATION. No licensed optometrist or therapeutic optometrist shall sign, or cause to be signed, a prescription for an ophthalmic lens without first making a personal examination of the eyes of the person for whom the prescription is made.

SECTION 17. Section 5.08, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.08, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.08. PRACTICE WHILE SUFFERING FROM CONTAGIOUS DISEASE. No licensed optometrist or therapeutic optometrist shall practice optometry or therapeutic optometry while knowingly suffering from a contagious or infectious disease.

SECTION 18. Section 5.11, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.11, Vernon's Texas Civil Statutes), is amended by amending Subsections (a), (b), (c), and (g) to read as follows:

(a) Any person who is a manufacturer, wholesaler, or retailer of ophthalmic goods is prohibited from:

(1) directly or indirectly controlling or attempting to control the professional judgment, the manner of practice, or the practice of an optometrist or therapeutic optometrist; or

(2) directly or indirectly employing or hiring or contracting for the services of an optometrist or therapeutic optometrist if any part of such optometrist's or therapeutic optometrist's duties involve the practice of optometry or therapeutic optometry; or

(3) directly or indirectly making any payment to an optometrist or therapeutic optometrist for any service not actually rendered.

(b) For purposes of this section "controlling or attempting to control the professional judgment, the manner of practice, or the practice of an optometrist or therapeutic optometrist" shall include but not be limited to:

(1) setting or attempting to influence the professional fees of an optometrist or therapeutic optometrist;

(2) setting or attempting to influence the office hours of an optometrist or therapeutic optometrist;

(3) restricting or attempting to restrict an optometrist's or therapeutic optometrist's freedom to see patients on an appointment basis;

(4) terminating or threatening to terminate any lease, agreement, or other relationship in an effort to control the professional judgment, manner of practice, or practice of an optometrist or therapeutic optometrist;

(5) providing, hiring, or sharing employees or business services or similar items to or with an optometrist or therapeutic optometrist; or

(6) making or guaranteeing a loan to an optometrist or therapeutic optometrist in excess of the value of the collateral securing the loan.

(c) It is the intent of the legislature to prevent manufacturers, wholesalers, and retailers of ophthalmic goods from controlling or attempting to control the professional judgment, manner of practice, or the practice of an optometrist or therapeutic optometrist, and the provisions of this section shall be liberally construed to carry out this intent.

(g) This section shall not apply where the manufacturer, wholesaler, or retailer of ophthalmic goods is a licensed optometrist, therapeutic optometrist, or [a licensed] physician or legal entity 100 percent owned and controlled by one or more licensed optometrists, therapeutic optometrists, or [licensed] physicians; however, the exception set forth in this subsection shall not apply where the optometrist, therapeutic optometrist, or legal entity has offices at more than three locations.

SECTION 19. Section 5.12, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.12, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.12. BASIC COMPETENCE. (a) In order to insure an adequate examination of a patient for whom an optometrist or therapeutic optometrist signs or causes to be signed a prescription for an ophthalmic lens, in the initial examination of the patient the optometrist or therapeutic optometrist shall make and record, if possible, the following findings of the condition of the patient:

(1) Case History (ocular, physical, occupational and other pertinent information).

(2) Far point acuity, O.D., O.S., O.U., unaided; with old glasses, if available, and with new glasses, if any.

(3) External examination (lids, cornea, sclera, etc.).

(4) Internal ophthalmoscopic examination (media, fundus, etc.).

(5) Static retinoscopy, O.D., O.S.

(6) Subjective findings, far point and near point.

(7) Phorias or ductions, far and near, lateral and vertical.

(8) Amplitude or range of accommodation.

(9) Amplitude or range of convergence.

(10) Angle of vision, to right and to left.

(b) Every prescription for an ophthalmic lens shall include the following information: interpupillary distance, far and near; lens prescription, right and left; color or tint; segment type, size and position; the optometrist's or therapeutic optometrist's signature.

(c) The willful or repeated failure or refusal of an optometrist or therapeutic optometrist to comply with any of the foregoing requirements shall be considered by the board to constitute prima facie evidence that he is unfit or incompetent by reason of negligence within the meaning of Section 4.04(a)(3) of this Act, and shall be sufficient ground for the filing of charges to cancel, revoke or suspend his license. The charges shall state the specific instances in which it is alleged that the rule was not complied with. At a hearing pursuant to the filing of such charges, the person charged shall have the burden of establishing that compliance with the rule in each instance in which proof is adduced that it was not complied with was not necessary to a proper examination of the patient in that particular case.

SECTION 20. Sections 5.13(a)-(g), (i), and (j), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.13, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The provisions of this section are adopted in order to protect the public in the practice of optometry or therapeutic optometry, better enable members of the public to fix professional responsibility, and further safeguard the doctor-patient relationship.

(b) No optometrist or therapeutic optometrist shall divide, share, split, or allocate, either directly or indirectly, any fee for optometric or therapeutic optometric services or materials with any lay person, firm or corporation, provided that this rule shall not be interpreted to prevent an optometrist or therapeutic optometrist from paying an employee in the regular course of employment, and provided further, that it shall not be construed as a violation of this Act for any optometrist or therapeutic optometrist to lease space from an establishment, or to pay for franchise fees or other services, on a percentage or gross receipts basis, or to sell, transfer or assign accounts receivable. The provisions of this section authorizing payment based upon a percentage of gross receipts shall not be construed as authorizing any activity which is prohibited under Section 5.11 of this Act.

(c) No optometrist or therapeutic optometrist shall divide, share, split or allocate, either directly or indirectly, any fee for optometric or therapeutic optometric services or materials with another optometrist, therapeutic optometrist, or with a physician except upon a division of service or responsibility provided that this rule shall not be interpreted to prevent partnerships for the practice of optometry or therapeutic optometry. This Act does not prohibit an optometrist or therapeutic optometrist from being employed on a salary, with or without bonus arrangements, by a licensed optometrist, therapeutic optometrist, or physician, regardless of the amount of supervision exerted by the employing optometrist, therapeutic optometrist, or physician over the office in which the employed optometrist or therapeutic optometrist works, provided such bonus arrangements, if any, shall not be based in whole or in part on the business or income of any optical company.

(d) An optometrist or therapeutic optometrist may practice optometry or therapeutic optometry under a trade name or an assumed name or under the name of a professional corporation or a professional association. Every optometrist or therapeutic optometrist practicing in the State of Texas, including those practicing under a trade or assumed name, shall be required to display the actual name under which he is licensed by the board in a manner such that his name will be visible to the public prior to entry of the optometrist's or therapeutic optometrist's office reception area.

(e) No optometrist or therapeutic optometrist shall use, cause or allow to be used, his name or professional identification, as authorized by Article 4590e, as amended, Revised Civil Statutes of Texas, 1925, on or about the door, window, wall, directory, or any sign or listing whatsoever, of any office, location or place where optometry or therapeutic optometry is practiced, unless said optometrist or therapeutic optometrist is actually present and practicing optometry or therapeutic optometry therein during the hours such office, location or place of practice is open to the public for the practice of optometry or therapeutic optometry.

(f) No optometrist or therapeutic optometrist shall practice or continue to practice optometry or therapeutic optometry in any office, location or place of practice where any name, names or professional identification on or about the door, window, wall, directory, or any sign or listing whatsoever, or in any manner used in connection therewith, shall indicate or tend to indicate that such office, location or place of practice is owned, operated, supervised, staffed, directed or attended by any person not actually present and practicing optometry or therapeutic optometry therein during the hours such office, location or place of practice is open to the public for the practice of optometry or therapeutic optometry.

(g) The requirement of Subsections (e) and (f) of this section that an optometrist or therapeutic optometrist be "actually present" in an office, location or place of practice holding his name out to the public shall be deemed satisfied if the optometrist or therapeutic optometrist is, as to such office, location or place of practice, either:

(1) physically present therein more than half the total number of hours such office, location, or place of practice is open to the public for the practice of optometry or therapeutic optometry during each calendar month for at least nine months in each calendar year; or

(2) physically present in such office, location, or place of practice for at least one-half of the time such person conducts, directs, or supervises any practice of optometry or therapeutic optometry.

(i) The requirement of Subsections (e) and (f) of this section that an optometrist or therapeutic optometrist be "practicing optometry or therapeutic optometry" at an office, location, or place of practice holding his name out to the public shall be deemed satisfied if the optometrist or therapeutic optometrist regularly makes personal examination at such office, location, or place of practice of the eyes of some of the persons prescribed for therein or regularly supervises or directs in person at such office, location or place of practice such examinations.

(j) The willful or repeated failure or refusal of an optometrist or therapeutic optometrist to comply with any of the provisions of this section shall be considered by the board to constitute prima facie evidence that such optometrist or therapeutic optometrist is guilty of violation of this Act, and shall be sufficient ground for the filing of charges to cancel, revoke or suspend his license. The charges shall state the specific instance or instances in which it is alleged that the rule was not complied with. Alternatively, or in addition to the above, it shall be the duty of the board to institute and prosecute an action in a court of competent jurisdiction to restrain or enjoin the violation of any of the preceding rules.

SECTION 21. Sections 5.14(a)-(c), and (e)-(h), Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) In order to safeguard the visual welfare of the public and the doctor-patient [optometrist-patient] relationship, fix professional responsibility, establish standards of professional surroundings, more nearly secure to the patient the optometrist's or therapeutic optometrist's undivided loyalty and service, and carry out the prohibitions of this Act against placing an optometric or therapeutic optometric license in the service or at the disposal of unlicensed persons, the provisions of this section are applicable to any optometrist or therapeutic optometrist who leases space from and practices optometry or therapeutic optometry on the premises of a mercantile establishment.

(b) The practice must be owned by a Texas-licensed optometrist or therapeutic optometrist. Every phase of the practice and the leased premises shall be under the exclusive control of a Texas-licensed optometrist or therapeutic optometrist.

(c) The prescription files and all business records of the practice shall be the sole property of the optometrist or therapeutic optometrist and free from involvement with the mercantile establishment or any unlicensed person. Except, however, that those business records essential to the successful initiation or continuation of a percentage of gross receipts lease of space may be inspected by the applicable lessor.

(e) The leased space shall have a patient's entrance opening on a public street, hall, lobby, corridor, or other public thoroughfare. The aisle of a mercantile establishment does not comply with this requirement. An entrance to the leased space is not a patient's entrance within the meaning of this subsection unless actually used as an entrance by the optometrist's or therapeutic optometrist's patients.

(f) No phase of the optometrist's or therapeutic optometrist's practice shall be conducted as a department or concession of the mercantile establishment; and there shall be no legends or signs such as "Optical Department," "Optometrical Department," or others of similar import, displayed on any part of the premises or in any advertising.

(g) The optometrist or therapeutic optometrist shall not permit his name or his practice to be directly or indirectly used in connection with the mercantile establishment in any advertising, displays, signs, or in any other manner.

(h) All credit accounts for patients shall be established with the optometrist or therapeutic optometrist and not the credit department of the mercantile establishment. However, nothing in this subsection prevents the optometrist or therapeutic optometrist from thereafter selling, transferring, or assigning any such account.

SECTION 22. Section 5.15, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.15, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.15. RELATIONSHIPS OF OPTOMETRISTS AND THERAPEUTIC OPTOMETRISTS WITH DISPENSING OPTICIANS. (a) The purpose of this section is to insure that the practices [practice] of optometry and therapeutic optometry shall be carried out in such a manner that they are [it is] completely and totally separated from the business of any dispensing optician, with no control of one by the other and no solicitation for one by the other, except as hereinafter set forth.

(b) If an optometrist or therapeutic optometrist occupies space for the practice of optometry or therapeutic optometry in a building or premises in which any person, firm, or corporation engages in the business of a dispensing optician, the space occupied by the optometrist or therapeutic optometrist shall be separated from the space occupied by the dispensing optician by solid partitions or walls from floor to ceiling. The space occupied by the optometrist or therapeutic optometrist shall have a patient's entrance opening on a public street, hall, lobby, corridor, or other public thoroughfare. An entrance is not a patient's entrance within the meaning of this subsection unless actually used as an entrance by the optometrist's or therapeutic optometrist's patients.

(c) An optometrist or therapeutic optometrist may engage in the business of a dispensing optician, own stock in a corporation engaged in the business of a dispensing optician, or be a partner in a firm engaged in the business of a dispensing optician, but the books, records, and accounts of the firm or corporation must be kept separate and distinct from the books, records, and accounts of the practice of the optometrist or therapeutic optometrist.

(d) No person, firm, or corporation engaged in the business of a dispensing optician, other than a licensed optometrist, therapeutic optometrist, or physician, shall have, own, or acquire any interest in the practice, books, records, files, equipment, or materials of a licensed optometrist or therapeutic optometrist, or have, own, or acquire any interest in the premises or space occupied by a licensed optometrist or therapeutic optometrist for the practice of optometry or therapeutic optometry other than a lease for a specific term without retention of the present right of occupancy on the part of the dispensing optician. In the event an optometrist, therapeutic optometrist, or physician who is also engaged in the business of a dispensing optician (whether as an individual, firm, or corporation) does own an interest in the practice, books, records, files, equipment or materials of another licensed optometrist or therapeutic optometrist, he shall maintain a completely separate set of books, records, files, and accounts in connection therewith.

(e) If, after examining a patient, an optometrist or therapeutic optometrist believes that lenses are required to correct or remedy any defect or abnormal

condition of vision, the optometrist or therapeutic optometrist shall so inform the patient and shall expressly indicate verbally or by other means that the patient has two alternatives for the preparation of the lenses according to the optometrist's or therapeutic optometrist's prescription: First, that the optometrist or therapeutic optometrist will prepare or have the lenses prepared according to the prescription; and second, that the patient may have the prescription filled by any dispensing optician but should return for an optometrical examination of the lenses.

SECTION 23. Section 5.16, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.16, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.16. LEASING SPACE OR PAYMENT FOR FRANCHISE FEES OR OTHER SERVICES ON PERCENTAGE BASIS; TRANSFERRING ACCOUNTS RECEIVABLE. It shall not be construed as a violation of this Act for any optometrist or therapeutic optometrist to lease space from an establishment, or to pay for franchise fees or other services, on a percentage or gross receipts basis, or to sell, transfer or assign accounts receivable. The provisions of this section authorizing payment based upon a percentage of gross receipts shall not be construed as authorizing any activity which is prohibited under Section 5.11 of this Act.

SECTION 24. Section 5.18, Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-5.18, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.18. PRACTICE OF OPTOMETRY OR THERAPEUTIC OPTOMETRY WITHOUT A LICENSE. (a) It shall be a violation of this Act for any person who is not a licensed optometrist, therapeutic optometrist, or [a licensed] physician to engage in the practice of optometry or therapeutic optometry as such practices are [practice-is] defined by this Act.

(b) Any person who shall be injured by another person who violates this section may institute suit in any district court in the county wherein the violation is alleged to have occurred to require enforcement by injunctive procedures and to recover damages sustained, plus costs of court and reasonable attorney's fees.

(c) The attorney general's office or the Texas Optometry Board may institute suit in any district court of the county in which a violation of this section is alleged to have occurred to require enforcement by injunctive procedures and to recover a civil penalty not to exceed \$10,000 per violation, plus costs of court and reasonable attorney's fees.

(d) Violations of this section are actionable under the Deceptive Trade Practices-Consumer Protection Act, as amended (Subchapter E, Chapter 17, Title 2, Business & Commerce Code).

SECTION 25. Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-1.02 et seq., Vernon's Texas Civil Statutes), is amended by adding a new Section 5.20 to read as follows:

Sec. 5.20. USE OF THE TERM "OPTOMETRIST" IN OTHER ACTS. Where the term "optometrist" is used in any other law or regulation adopted by this state or by an agency or subdivision thereof, such term shall be construed to mean either an "optometrist" or a "therapeutic optometrist" as defined by this act, unless the context clearly indicates otherwise.

SECTION 26. Subdivision (12), Section 483.001, Health and Safety Code, is amended to read as follows:

(12) "Practitioner" means a person licensed:

(A) by the Texas State Board of Medical Examiners, State Board of Dental Examiners, Texas State Board of Podiatry Examiners, Texas Optometry Board, or State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs;

(B) by another state in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs; or

(C) in Canada or Mexico in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs.

SECTION 27. Section 3.06(d)(6), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is repealed.

SECTION 28. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 1991.

(b) A person holding a license as an optometrist on August 31, 1992, may continue to practice as an optometrist under Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-1.01 et seq., Vernon's Texas Civil Statutes) or may apply to be licensed as a therapeutic optometrist.

(c) A person initially licensed by the Texas Optometry Board on or after September 1, 1992, must be licensed as a therapeutic optometrist in order to practice under Chapter 401, Acts of the 61st Legislature, Regular Session, 1969 (Article 4552-1.01 et seq., Vernon's Texas Civil Statutes). The Texas Optometry Board may not issue an initial license to practice optometry on or after September 1, 1992.

SECTION 29. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Sibley offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to S.B. 774 as follows:

(1) Strike subsection "(b)" beginning on page 5, line 16 in its entirety and substitute the following:

"(b) A therapeutic optometrist may administer and prescribe over-the-counter oral medications for the purpose of diagnosing and treating visual defects, abnormal conditions, and diseases of the human eye and adnexa, and may remove eyelashes from the external eye or adnexa. Nothing herein shall be construed to permit a therapeutic optometrist to treat glaucoma."

(2) On page 31, line 6, strike "Texas Optometry Board".

The amendment to the amendment was read.

On motion of Senator Glasgow and by unanimous consent, the amendment to the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Leedom, Lucio, Lyon, Montford, Ratliff, Rosson, Sims, Turner, Whitmire.

Nays: Barrientos, Bivins, Harris of Dallas, Krier, Moncrief, Parker, Sibley, Tejeda, Truan, Zaffirini.

Senator Brooks offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to S.B. 774, SECTION 2, Section 1.03, by adding Subsections (e) and (f) to read as follows:

(e) The board shall appoint a five-member technical advisory committee to assist the board in determining the specific pharmaceutical agents which may be

used in the practice of therapeutic optometry. Appointments to the committee shall be for two-year terms, and no member may serve more than two consecutive terms.

(f) The board shall appoint the members of the technical advisory committee as follows: one must be an optometrist licensed and practicing in this state; one must be a physician licensed and practicing in this state whose practice is limited to ophthalmology; one must be a pharmacist licensed and practicing pharmacy in this state; one must be a faculty member at a state medical institution of higher education with expertise in pharmacology; and one must be a faculty member of a college of optometry at a state institution of higher education.

The amendment to the amendment was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Montford, Parker, Ratliff, Rosson, Sims, Truan, Turner, Whitmire.

Nays: Harris of Dallas, Moncrief, Sibley, Tejeda, Zaffirini.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Sibley asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 774 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 774 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Montford, Ratliff, Rosson, Sims, Truan, Turner, Whitmire.

Nays: Harris of Dallas, Moncrief, Parker, Sibley, Tejeda, Zaffirini.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Harris of Dallas, Sibley and Zaffirini asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 438, Relating to membership in, and benefits and administration of, the statewide retirement system exclusively for volunteer fire fighters.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Montford was recognized and introduced a group of Government class senior students from Odessa High School and their instructors, Sheila McCray, Pat Liles and Barbara Faubion.

The Senate welcomed these guests.

CAPITOL PHYSICIAN

Senator Brooks was recognized and presented Dr. R. E. Sullivan of La Marque.

Dr. Sullivan, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

COMMITTEE SUBSTITUTE SENATE BILL 941 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 941, Relating to the assignment of statutory probate judges.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 941** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 74.054(a), Government Code, as amended by Chapters 82, 646, and 726, Acts of the 71st Legislature, Regular Session, 1989, is reenacted and amended to read as follows:

(a) Except as provided by Subsections (b) and (c), the following judges may be assigned as provided by this chapter by the presiding judge of the administrative region in which the assigned judge resides:

(1) a regular district, constitutional county, or statutory county court judge in this state;

(2) a district or appellate judge who is a retiree under Subtitle D or E of Title 8, who has consented to be subject to assignment, and who is on the list maintained by the presiding judge under this chapter;

(3) a former district or appellate judge, a [or] retired or former statutory county court judge, or a retired or former statutory probate court judge who certifies to the presiding judge a willingness to serve and who is on the list maintained by the presiding judge as required by this chapter, ~~[and]~~

(4) a retiree or a former judge whose last judicial office before retirement was justice or judge of the supreme court, the court of criminal appeals, or a court of appeals and who has been assigned by the chief justice to the administrative judicial region in which the retiree or former judge resides for reassignment by the presiding judge of that region to a district or statutory county court in the region; and[-]

(5) [(4)] an active court of appeals justice who has had trial court experience.

SECTION 2. Section 74.054, Government Code, is amended by adding Subsection (d) to read as follows:

(d) A retired statutory probate court judge may also be assigned as provided by Section 25.0022.

SECTION 3. Section 74.055(c), Government Code, is amended to read as follows:

(c) To be eligible to be named on the list, a retired or former judge must:

(1) have served as a judge for at least four years in a district, statutory county, statutory probate, or appellate court;

(2) have developed substantial experience in the judge's area of specialty;

(3) not have been removed from office;

(4) certify under oath to the presiding judge, on a form prescribed by the state board of regional judges, that the judge did not resign from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before the final disposition of the proceedings;

(5) annually demonstrate that the judge has completed in the past calendar year the educational requirements for active district, and statutory county, and statutory probate court judges; and

(6) certify to the presiding judge a willingness not to appear and plead as an attorney in any court in this state for a period of two years.

SECTION 4. Section 74.059(c), Government Code, is amended to read as follows:

(c) A district, or statutory county, or statutory probate court judge assigned under this chapter shall:

(1) diligently discharge the administrative responsibilities of the office;

(2) rule on a case within 90 days after the case is taken under advisement;

(3) request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court; and

(4) if an election contest or a suit for the removal of a local official is filed in his court, request the presiding judge to assign another judge who is not a resident of the county to hold a regular or special term of court in that county to dispose of the suit.

SECTION 5. Section 74.061(c), Government Code, is amended to read as follows:

(c) The salary of a retired judge or justice while assigned under this chapter shall be paid out of money appropriated from the general revenue fund for that purpose in an amount equal to the difference between all the retirement benefits received by the judge as a retired district, statutory county, statutory probate, or appellate judge or justice and the compensation from all sources of the judge of the court to which he is assigned. The salary of a retired judge or justice while assigned shall be determined pro rata for the period of time that the judge or justice actually sits as the assigned judge.

SECTION 6. Subchapter C, Chapter 74, Government Code, is amended by adding Section 74.063 to read as follows:

Sec. 74.063. ASSIGNMENT OF RETIRED STATUTORY PROBATE COURT JUDGE. Section 25.0022 does not apply to the assignment under this chapter of a retired statutory probate court judge.

SECTION 7. Section 25.0022(w), Government Code, is amended to read as follows:

(w) Chapter 74 does not apply to the assignment under this section of statutory probate court judges.

SECTION 8. (a) In addition to the substantive changes made by this Act, this Act conforms Section 74.054(a), Government Code, to Chapters 82, 646, and 726, Acts of the 71st Legislature, Regular Session, 1989.

(b) To the extent of any conflict, this Act prevails over another Act of the 72nd Legislature, Regular Session, 1991, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 941 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 941 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Brooks in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1307 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1307, Relating to benefits for certain employees who sustain a work-related injury.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend C.S.S.B. 1307, on page 1, line 48 (Committee Printing), by inserting after the word "coverage" the phrase "in a reasonable amount, which shall be established by commission rule,".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1307 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1307 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 524 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 524, Relating to the continuation and operation of the Texas Motor Vehicle Commission.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend C.S.H.B. 524 as follows:

(1) On page 3, after line 33, insert the following new Section 3 of the bill, renumber present Section 3 of the bill as Section 4, and renumber all subsequent sections accordingly:

SECTION 3. Section 2.02, Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.02. MEMBERS OF COMMISSION. The Commission consists of [six] nine persons appointed by the Governor with the advice and consent of the Senate.

(2) On page 16, line 1, delete the word "Commission" and insert the following after the word "the": "Executive Director".

(3) On page 16, after line 36, insert the following new Section 23 of the bill, renumber present Section 23 of the bill as Section 24 of the bill, and renumber all subsequent sections accordingly:

SECTION 23. No bus, motor coach, or motor home shall be altered in any manner to lower the road clearance of the vehicle below the manufacturer's clearance standards. Any vehicle so altered fails state safety inspection and shall not be issued an inspection sticker.

(4) On page 16, after line 44, insert the following new Subsection (c):

(c) Of the three new members of the Texas Motor Vehicle Commission to be appointed pursuant to the terms of this Act, the governor shall appoint one to a term that expires January 31, 1993, one to a term that expires January 31, 1995, and one to a term that expires January 31, 1997.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 524 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.H.B. 524 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 747 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 747, Relating to permitting certain students who are graduates of the Reynaldo G. Garza School of Law to take the examination for a license to practice law in this state.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 747 ON THIRD READING**

Senator Lucio moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 747 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 773 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 773, Relating to the regulation of certain persons who represent or advise others in property tax matters; providing a criminal penalty.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 773 as follows:

On page 3, between lines 25 and 26 insert the following:

(6) a certified public accountant under the Public Accountancy Act of 1979 (Article 41a-1, Vernon's Texas Civil Statutes).

The amendment was read and was adopted by a viva voce vote.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 773 as follows:

On page 1, line 42, insert the following between "performs" and "property":
or supervises others in the performance of

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 773 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 773 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 546 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 546, Relating to the abolition of the Texas Housing Agency and the Texas Department of Community Affairs and to the transfer of their functions to, and the creation and functions of, the Texas Department of Housing and Community Affairs.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 546 on page 7, line 10, by striking "September 1, 2003 [1991]." and substituting "December 31 [September 1], 1991. The abolition date prescribed by this subsection does not require the Sunset Advisory Commission to conduct any review or prepare any report other than the review undertaken before the convening of the 72nd Legislature, Regular Session, 1991, or the report submitted to that legislature."

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 546 at the end of Subsection (a), Section 3.20, Article 4413 (501), Revised Statutes (Committee Printing page 26, line 37), by adding "With the exception of foreclosed property the housing finance division may not own real property for more than three years from the date the real property is acquired by the division."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 546 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.B. 546** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1196 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1196, Relating to the regulation of transporters of water, drilling mud, and oil field liquids.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1196 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1196** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
April 30, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 80, Relating to liability for certain tax refunds.

H.B. 1458, Relating to the taxation of consumable materials used in the repair of a motor vehicle.

S.B. 1166, Relating to fixed assets of a state bank.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1004 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1004, Relating to duties of the state auditor and to property and financial audits and reports of the state and certain units of local government.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1004 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1004** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1222 ON SECOND READING**

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1222, Relating to the Texas State Technical Institute.

The bill was read second time.

Senator Dickson offered the following amendment to the bill:

Amend **C.S.S.B. 1222** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 135.01, Education Code, is amended to read as follows:

Sec. 135.01. **TEXAS STATE TECHNICAL COLLEGE SYSTEM** [INSTITUTE]; **ROLE AND MISSION.** (a) Texas State Technical College System [Institute] is a coeducational two-year institution of higher education offering courses of study in technical-vocational [vocational and vocational-technical] education for which there is demand within the State of Texas.

(b) Texas State Technical College System [Institute] shall contribute to the educational and economic development of [serve] the State of Texas by offering occupationally oriented programs with supporting academic course work, emphasizing [in] highly specialized advanced and emerging technical and vocational areas for certificates [certification] or associate degrees. The [Each] Texas State Technical College System [Institute campus] is authorized to serve the State of Texas through excellence in instruction, public service, faculty and manpower research, and economic development. The system's economic development efforts to improve the competitiveness of Texas business and industry include exemplary centers of excellence in technical program clusters on the system's campuses and support of educational research commercialization initiatives. Through close collaboration with business, industry, governmental agencies, and communities, including public and private secondary and postsecondary educational institutions, the system shall facilitate and deliver an articulated and responsive technical education system.

~~(c) In developing and offering [develop and offer] highly specialized technical programs with related supportive coursework, primary[-Primary] consideration shall be placed on industrial and technological manpower needs of the state. The emphasis of each Texas State Technical College System [Institute] campus shall be on advanced or emerging technical programs [that do] not [duplicate programs] commonly offered by public junior colleges [and on excellence in instruction and public service; however, upon a finding by the coordinating board of the need for a program not available locally from a public junior college, the coordinating board may authorize an existing campus of the institute to offer the needed technical or vocational program. Faculty research, using the facilities provided for and consistent with the primary function of the institution, is encouraged. Funding for research should be from private sources, competitively acquired sources, and appropriated public funding].~~

SECTION 2. Subchapter A, Chapter 135, Education Code, is amended by adding Section 135.011 to read as follows:

Sec. 135.011. DEFINITIONS. In this section:

(1) "Board" means the board of regents of the Texas State Technical College System.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "System" means the Texas State Technical College System.

(4) "Faculty research" means research using the system's facilities and equipment that is:

(A) consistent with the system's mission; and

(B) funded by private sources, competitively acquired sources, or appropriated public funding.

(5) "Campus" means a residential unit of the system that grants associate degrees and certificates.

(6) "Extension center" means a site, operating under the administration of a campus, that has an extension program.

(7) "Extension program" includes credit and noncredit instruction in technical-vocational education.

SECTION 3. Section 135.02, Education Code, is amended to read as follows:

Sec. 135.02. LOCATION. (a) The Texas State Technical College System [Institute] is ~~a system~~ composed of:

(1) a system office located in the city of Waco in McLennan County;

(2) a campus located in the city of Amarillo in Potter County;

(3) [(2)] a campus located in the city of Harlingen in Cameron County;

(4) [(3)] a campus located in the city of Sweetwater in Nolan County;

(5) [(4)] a campus located in the city of Waco in McLennan County;

(6) extension centers in the city of McAllen in Hidalgo County and the city of Abilene in Taylor County and an extension program offered through a rural technology center in the city of Breckenridge in Stephens County; and

(7) [(5)] other campuses assigned to the system from time to time by specific legislative Act.

(b) The system may operate an extension center created after September 1, 1991, in a city or county if:

(1) the coordinating board has given prior approval to the extension center, after considering the role and mission of the system, the needs of this state and of the community involved, the actions of the legislature, if any, and the efficient and effective use of the state's educational resources for the economic development of this state;

(2) a political subdivision of this state provides and maintains appropriate equipment and facilities for the delivery of technical-vocational education, including maintenance and utilities; and

(3) funding for the extension center is approved by specific legislative Act [The main campus of the institute shall be located at Waco].

(c) The board may accept or acquire by purchase in the name of the State of Texas land and facilities in any of the counties in which a campus or extension center is located. The coordinating board must review and approve the acceptance or acquisition of any land and facilities if:

(1) the board of regents requests to place the land and facilities on its educational and general buildings and facilities inventory; and

(2) the combined value of the land and facilities is more than \$300,000 at the time the board of regents requests the property to be added to the educational and general buildings and facilities inventory [Cameron County, Potter County and Nolan County, subject to the approval of the governor].

SECTION 4. Section 135.04, Education Code, is amended to read as follows:

Sec. 135.04. APPROVAL OF PROGRAMS. (a) Educational programs wholly or partially financed from state funds are subject to the prior approval or disapproval and continuing review of the coordinating board [Coordinating Board, Texas College and University System].

(b) Before any program may be offered by a campus or extension center [the institute] within the tax district of a public junior college that is operating a vocational and technical program, it must be established that the public junior college is not capable of offering or is unable to offer the program. After it is established that a need for the program exists and that the program is not locally available, the campus or extension center [institute] may offer the program, provided approval is secured from the coordinating board [as required by this chapter]. Approval of technical-vocational programs under this section does not apply to McLennan, Cameron, and Potter counties.

(c) Where a local government, business, or industry located in a county or a portion of a county that is not operating a public junior college district requests that the campus or extension center [institute] offer a program, the campus or extension center [institute] may offer the program provided approval is secured from the coordinating board [Coordinating Board, Texas College and University System].

SECTION 5. Section 135.05, Education Code, is amended to read as follows:

Sec. 135.05. INTERPRETERS FOR THE DEAF. (a) The system [institute] shall provide qualified interpreters for deaf students in attendance at each campus. In order to be qualified, an interpreter must:

(1) be capable of giving verbatim translation of the spoken word through finger spelling, the language of signs, and speaking without voice;

(2) be capable of reverse interpretation from the language of signs to the spoken word; and

(3) [be a member of the Texas Society of Interpreters for the Deaf; and [(4)] hold a certificate [Comprehensive Skills Certificate] from the National Registry of Interpreters for the Deaf or an equivalent certificate issued by the Texas Commission for the Deaf.

(b) The system [institute] shall also provide equipment, materials, and services, including tutoring, counseling, and other support services, necessary for the deaf student to take full advantage of existing educational programs.

SECTION 6. Section 135.06, Education Code, is amended to read as follows:

Sec. 135.06. EXTENSION PROGRAM. (a) Texas State Technical College System [Institute] is authorized to provide extension programs of training in the fields of Technical-Vocational [Vocational-Technical] Education as temporary programs to address current unemployment problems.

(b) The system may ~~[institute is authorized to]~~ accept in the name of the State of Texas any real or personal properties ~~[- free and clear of any restrictions on use and disposal of said property]~~. The system ~~[institute]~~ shall not be authorized by this section to establish permanent programs or campuses.

(c) The system ~~[institute]~~ may operate ~~an [the]~~ extension program by the use of gifts and grants from any public or private source and other legislative appropriations ~~[federal grants as well as state funds]~~.

(d) The system ~~[institute]~~ may enter into contracts with existing political subdivisions, state agencies, state institutions, private entities, or federal agencies ~~[-]~~ to carry out ~~an [the]~~ extension program.

(e) The extension program shall be limited to the needs for Technical-Vocational ~~[Vocational-Technical]~~ Training in the area being served and shall be subject to the provisions of Subsections (e) and ~~[Subsection]~~ (j) of Section 61.051 of this code. ~~[No existing extension program at Texas State Technical Institute shall be discontinued as long as a need for the program can be demonstrated to exist in the area being served.]~~

(f) The system may not use legislative appropriations for physical plant operations or utility costs of an extension program or center created after September 1, 1991 ~~[The extension program shall not be limited by the provisions of Section 135.02 of this code].~~

SECTION 7. Section 135.07, Education Code, is amended to read as follows:

Sec. 135.07. FUNDING; GIFTS AND GRANTS. (a) The legislature shall appropriate funds for administration, instruction, and physical plant operations and utilities for each campus of the system and for each extension program created before September 1, 1991, ~~[the support and maintenance of the institute]~~ on the basis of formulas developed by the coordinating board ~~[contact hours completed in the base year at the institute within categories developed, reviewed, and updated by the coordinating board]~~.

(b) The legislature shall appropriate funds for administration of and instruction at ~~[the support and maintenance of]~~ each extension program created after September 1, 1991, and operated by the system ~~[institute]~~ on the basis of formulas developed by the coordinating board ~~[contact hours completed in the base year at the extension program within categories developed, reviewed, and updated by the coordinating board]~~.

(c) The system may accept gifts and grants from any public or private source.

SECTION 8. Subchapter A, Chapter 135, Education Code, is amended by adding Section 135.08 to read as follows:

Sec. 135.08. AIRPORT. (a) The Waco campus may operate its airport as a public airport.

(b) The system may not use legislative appropriations for the airport but may use federal or public agency grants for aviation or economic development.

SECTION 9. Section 135.21, Education Code, is amended to read as follows:

Sec. 135.21. BOARD OF REGENTS. The organization and control of the system ~~[institute]~~ is vested in a board of nine regents.

SECTION 10. Section 135.23, Education Code, is amended to read as follows:

Sec. 135.23. TERMS OF OFFICE. The term of office of each regent is six years. ~~[In making the first appointments the governor shall appoint three members for six years, three members for four years, and three members for two years.]~~ Any vacancy that occurs on the board is filled for the unexpired term by appointment of the governor.

SECTION 11. Section 135.24, Education Code, is amended to read as follows:

Sec. 135.24. ORGANIZATION; BYLAWS. The board shall elect one of the members chairman; elect other officers as it deems necessary; and enact bylaws,

rules, and regulations as it deems necessary for the successful management and operation of the system [institute].

SECTION 12. Section 135.25, Education Code, is amended to read as follows:

Sec. 135.25. MEETINGS. The board shall meet as prescribed by its bylaws[; but not less than six times annually].

SECTION 13. Section 135.26, Education Code, is amended to read as follows:

Sec. 135.26. COMPENSATION. Members of the board may not receive salary or compensation for their services, but they shall [may] receive reimbursement for their actual expenses incurred in attending to the work of the board[; ~~subject to the approval of the chairman~~].

SECTION 14. Sections 135.27(a), (c), and (e), Education Code, are amended to read as follows:

(a) The central administration office of the system shall provide oversight and coordination of the activities of each component [campus] of the system [institute].

(c) The executive officer shall recommend a plan for the organization of the system and the appointment of an executive officer for each campus of the system [institute].

(e) In addition to other powers and duties provided by this code or other law, the central administration office of the system shall recommend necessary policies and rules to the governing board of the system [institute] to ensure conformity with all laws and rules and to provide uniformity in data collection and financial reporting procedures.

SECTION 15. Section 135.51, Education Code, is amended to read as follows:

Sec. 135.51. CERTIFICATES, DIPLOMAS, AND ASSOCIATE DEGREES. The board shall prescribe and award associate of [applied arts or] applied science degrees, certificates, and diplomas limited to those appropriate [common] to technical education.

SECTION 16. Section 135.54, Education Code, is amended to read as follows:

Sec. 135.54. CONTRACTS. The board may contract with individuals, federal, state, and local agencies and departments, corporations, and associations to provide:

(1) educational programs designed to meet the need for trained personnel in Texas; or

(2) programs for economic development that benefit this state.

SECTION 17. Section 135.55, Education Code, is amended to read as follows:

Sec. 135.55. SUITS; VENUE. The board may sue, and may be sued, in the name of the Texas State Technical College System [institute], with venue being in either McLennan County or Travis County.

SECTION 18. Section 135.56, Education Code, is amended to read as follows:

Sec. 135.56. [~~DISPOSITION OF PROPERTIES;~~] BONDS AND NOTES; PLEDGE OF REVENUE. (a) [~~The board may lease, sell, transfer, or exchange land and permanent improvements of the institute or any other properties it may acquire which the board determines are not necessary for the establishment or operation of the institute.~~

[(b)] The board may irrevocably pledge the fees, charges, revenues, and the proceeds of the lease, sale, transfer, or exchange of or from the buildings, land, structures, and the additions to the existing buildings and structures authorized to be constructed, improved, or equipped and to pledge the revenue of the proceeds

of the lease, sale, transfer, or exchange of or from any other revenue-producing buildings, structures, facilities, and other property to the payment of the interest on and the principal of bonds authorized to be issued by Chapter 55 of this code, and to enter into agreements regarding the imposition of fees, charges, and other revenue and the collection, pledge, and disposition as the board deems appropriate. However, where land and improvements on the land, the revenue of which has been pledged to pay bonds, are to be sold, the sale is conditioned on the deposit by the board of the proceeds of the sale to the sinking fund created by the bond order of the issuing authority.

(b) [(c)] All income received by the board under the provisions of this section shall be accounted for and used in the same manner as other money available to the board for the establishment or operation of the system [institute].

(c) [(d)] The bonds authorized to be issued under Chapter 55 of this code are special obligations of the board issuing the bonds and are payable only from a pledge of the fees, charges, and other revenues authorized by this section and from the proceeds of the lease, sale, transfer, or exchange of land and improvements on the land the revenue of which is pledged to secure the payment of interest on and principal of the bonds.

(d) [(e)] The board, in addition to the authority already provided, may issue revenue bonds for the purposes authorized and in the manner prescribed and under the terms and conditions set forth in Chapter 55 of this code.

(e) The board may issue additional revenue bonds for the purposes authorized and in the manner prescribed by 26 U.S.C. Sec. 142, relating to airport development, water and sewage treatment, residential construction, and other matters within the role and scope of the system.

SECTION 19. Subchapter C, Chapter 135, Education Code, is amended by adding Section 135.561 to read as follows:

Sec. 135.561. USE OF PROPERTY. The board may lease, sell, transfer, or exchange land and permanent improvements owned by the system as the board determines is in the best interest of fulfilling the mission of the system.

SECTION 20. Section 135.57, Education Code, is amended to read as follows:

Sec. 135.57. INSURANCE. The board may procure the property and liability insurance coverages required by the United States to protect it and its agencies against the possibility of loss or liability in connection with property owned by the United States and loaned to the system [institute] pursuant to the provisions of the National Industrial Reserve Act of 1948, 50 U.S.C. Secs. 451-462.

SECTION 21. Section 135.58, Education Code, is amended to read as follows:

Sec. 135.58. WORKERS' [WORKMEN'S] COMPENSATION INSURANCE. The board may provide workers' [workmen's] compensation insurance for its employees according to the provisions of Chapter 229, Acts of the 50th Legislature, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes).

SECTION 22. Section 135.59, Education Code, is amended to read as follows:

Sec. 135.59. CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION [BAYLOR UNIVERSITY]. The board may enter into any contracts and agreements with an institution of higher education, as defined by Section 61.003 of this code, or a private or independent college or university that is accredited by a recognized accrediting agency under Section 61.003 of this code, [Baylor University] for joint participation in [graduate] programs that may be designed to benefit the State of Texas.

SECTION 23. Subchapter C, Chapter 135, Education Code, is amended by adding Section 135.60 to read as follows:

Sec. 135.60. EMINENT DOMAIN. (a) The board may exercise the power of eminent domain to acquire land, clearance easements for airport zoning, and facilities in any of the counties in which a campus is located or in a county adjacent to one of those counties.

(b) The board must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the board is not required to provide a bond for appeal or a bond for costs.

SECTION 24. Article 2.12, Code of Criminal Procedure, as amended by S.B. No. 232, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs and their deputies;
- (2) constables and deputy constables;
- (3) marshals or police officers of an incorporated city, town, or village;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit of a city, county or the state;
- (8) any private person specially appointed to execute criminal process;
- (9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical College System ~~[Institute]~~;
- (10) officers commissioned by the State Purchasing and General Services Commission;
- (11) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (12) airport police officers commissioned by a city with a population of more than 900,000, according to the most recent federal census, that operates an airport that serves commercial air carriers;
- (13) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (12), that operates an airport that serves commercial air carriers;
- (14) municipal park and recreational patrolmen and security officers;
- (15) security officers commissioned as peace officers by the State Treasurer;
- (16) officers commissioned by a water control and improvement district under Section 51.132, Water Code;
- (17) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);
- (18) investigators commissioned by the Texas State Board of Medical Examiners;
- (19) officers commissioned by the board of managers of the Dallas County Hospital District under Section 281.057, Health and Safety Code;
- (20) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (21) stewards and judges employed by the Texas Racing Commission;
- (22) officers commissioned by the Texas State Board of Pharmacy;
- (23) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a

regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes); and

(24) officers commissioned by the Texas High-Speed Rail Authority.

SECTION 25. Section 51.101(1), Education Code, is amended to read as follows:

(1) "Institution of higher education" has the meaning assigned to it in Section 61.003 of this code, except that Texas State Technical College System [Institute] is included and the Rodent and Predatory Animal Control Service is excluded for the purposes of this subchapter.

SECTION 26. Sections 54.051(b) and (k), Education Code, are amended to read as follows:

(b) The governing board of each institution of higher education and of the Texas State Technical College System [Institute] shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

(k) Tuition for a resident student registered at the Texas State Technical College System [Institute] is the greater of \$50 or an amount set by the governing board of the system [institute] at not less than \$8 per semester credit hour. Tuition for a nonresident student registered at the Texas State Technical College System [Institute] is an amount set by the governing board of the system [institute] at not less than \$80 per semester credit hour.

SECTION 27. Section 56.033(a), Education Code, is amended to read as follows:

(a) The governing boards of institutions of higher education and the Texas State Technical College System [Institute] shall cause to be set aside:

(1) for the 1987-1988 and subsequent academic years, not less than nine percent nor more than 15 percent out of each resident student's tuition charge under Section 54.051 of this code as provided by the General Appropriations Act for the applicable academic year; in specifying the percentage to be set aside under this subdivision, the legislature shall consider the recommendations of the Select Committee on Higher Education established by H.C.R. No. 105, Acts of the 69th Legislature, Regular Session, 1985;

(2) three percent out of each nonresident student's tuition charge under Section 54.051 of this code;

(3) 25 cents out of each resident student's hourly tuition charge, and \$1.50 out of each nonresident student's hourly tuition charge, for academic courses at public community and junior colleges; and

(4) six percent of hourly tuition charges for vocational-technical courses at public community and junior colleges.

SECTION 28. Section 61.0583(a), Education Code, is amended to read as follows:

(a) The board periodically shall conduct a comprehensive audit of all educational and general facilities on the campuses of public senior colleges and universities and the Texas State Technical College System [Institute] to verify the accuracy of the facilities inventory for each of those institutions.

SECTION 29. Section 61.003(7), Education Code, is amended to read as follows:

(7) "Public technical institute" means the Texas State Technical College System [Institute on the four campuses in McLennan, Cameron, Potter, and Nolan counties].

SECTION 30. Section 316.033, Government Code, is amended to read as follows:

Sec. 316.033. FUNDS EXCLUDED. This subchapter applies to funds established by state law, but does not apply to any portion of a fund derived from constitutionally dedicated revenues or to funds or fund balances that are:

- (1) dedicated by the Texas Constitution;
- (2) held in trust or escrow for the benefit of any person or entity other than a state agency;
- (3) pledged to the payment of bonds, notes, or other debts;
- (4) derived from gifts, donations, or endowments made to state agencies or institutions of higher education;
- (5) pledged to the capital trust fund to be used for construction;
- (6) maintained by institutions of higher education, including the Texas State Technical College System [Institute]; or
- (7) maintained by the Texas High-Speed Rail Authority.

SECTION 31. Section 830.003, Government Code, is amended to read as follows:

Sec. 830.003. APPLICATION. In this chapter, the term "institution of higher education" includes the Texas Higher Education Coordinating Board, the Texas State Technical College System [Institute], and the institutions defined in Section 821.001(10), but excludes the Rodent and Predatory Animal Control Service.

SECTION 32. Section 31.151(2), Natural Resources Code, is amended to read as follows:

(2) "Institution of higher education" means the Texas State Technical College System [Institute], the Southwest Collegiate Institute for the Deaf, or an institution of higher education (other than a public junior college) as defined by Section 61.003, Education Code.

SECTION 33. Section 2, Article 601e, Revised Statutes, is amended to read as follows:

Sec. 2. RESTRICTIONS ON USE. The fund may not be used to fund any activity undertaken by:

- (1) the State Department of Highways and Public Transportation;
- (2) an institution of higher education as defined by Section 61.003, Education Code;
- (3) the Texas State Technical College System [Institute]; or
- (4) the Southwest Collegiate Institute for the Deaf.

SECTION 34. (a) The name of the Texas State Technical Institute is changed to the Texas State Technical College System.

(b) A reference in the law to the Texas State Technical Institute means the Texas State Technical College System under Chapter 135, Education Code, as amended by this Act.

(c) An appropriation to the Texas State Technical Institute is an appropriation to the Texas State Technical College System.

SECTION 35. This Act takes effect September 1, 1991.

SECTION 36. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Dickson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1222 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 1222 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1286 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1286, Relating to the Texas Higher Education Coordinating Board's duty to devise formulas to be used in making appropriations recommendations to the legislature for institutions of higher education and to the Legislative Budget Board's duty regarding those formulas.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Amend **S.B. 1286** by adding on line 15, line 1, to Sec. 61.059, Subsection (1), Subdivision (1) tenure-track or after "college courses taught by" and before "tenured faculty".

Amend **S.B. 1286** by adding on line 23, page 1, to Sec. 61.059, a new Subdivision (3) to read as follows:

(3) "Tenure-track or tenured faculty" is defined as assistant professor, associate professor, and full professor.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1286 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1286** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1306 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1306, Relating to responsibility for the preparation of a regional solid waste management plan in certain regions.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1306 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 1306 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1000 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1000, Relating to the design and manufacture of medals, awards, and decorations for members of the state military forces.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1000 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **H.B. 1000** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE CONCURRENT RESOLUTION 218

The President laid before the Senate the following resolution:

H.C.R. 218, Resolving that the House of Representatives and Senate meet in Joint Session in the Hall of the House of Representatives at 2:00 p.m., Monday, May 20, 1991, in honor of Her Majesty Queen Elizabeth II.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.C.R. 6	H.B. 627
H.C.R. 133	H.B. 721
H.C.R. 186	H.B. 729
H.C.R. 193	H.B. 861
H.C.R. 208	H.B. 885
H.B. 153	H.B. 902
H.B. 199	H.B. 1079
H.B. 552	H.B. 1093
H.B. 553	H.B. 1266
H.B. 626	H.B. 1487

SENATE RULE 11.11 SUSPENDED

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might meet today to consider the nomination of Luis A. Wilmot to be Public Counsel of the Office of Public Utility Counsel.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Sims and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Natural Resources might consider H.B. 1135 tomorrow.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Property Tax might consider S.J.R. 36 today.

MEMORIAL RESOLUTION

H.C.R. 175 - (Brooks): In memory of Howard Douglas Williams of Texas City.

CONGRATULATORY RESOLUTIONS

H.C.R. 206 - (Henderson): Commending the Starlettes of Spring High School on their performance in winning the national championship at the American Drill Team School National competition.

S.C.R. 113 - By Brooks: Extending congratulations to Captain Russell Bryant, Sr., of Galveston on the occasion of his retirement from the Galveston-Texas City Pilot's Association.

S.R. 624 - By Brooks: Recognizing Miss Shayla Michelle Ivey of Pasadena on the occasion of her 13th birthday, May 1, 1991.

S.R. 625 - By Brown: Recognizing the Texas Federation of Republican Women and welcoming them to the Capitol for their Legislative Day, May 2, 1991.

S.R. 626 - By Barrientos: Recognizing J. D. Bailey on the occasion of his retirement from his position as night security guard at the L.B.J. State Office Building.

S.R. 627 - By Dickson: Joining with the citizens of West Texas in recognizing Camp Boothe Oaks on the grand occasion of its 40th anniversary.

S.R. 628 - By Barrientos: Joining with the citizens of Austin in paying tribute to Dr. Gonzalo Garza for his outstanding contributions to education and for serving with great distinction as Acting Interim Superintendent of the Austin Independent School District.

S.R. 629 - By Johnson: Recognizing Reverend Ernest N. Duncan for his 39 years of loyal service as Pastor of Fairview Baptist Church and extending to him best wishes upon his retirement.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:04 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(April 30, 1991)

S.C.R. 98

S.B. 294